

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs,)

v.)

JOHN RUFKAHR CONCRETE CO.,)

Defendant.)

No. 4:09-CV-910 CAS

ORDER

This matter is before the Court for examination pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

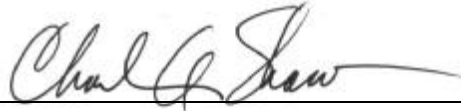
Plaintiffs commenced this action on June 11, 2009, naming as defendant John Rufkahr Concrete Co. A review of the Court file shows that the defendant has not been served in this matter nor has service been waived on its behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiffs, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint.

The Rule 4(m) period for service expires October 9, 2009, 120 days after the filing of plaintiffs' complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs shall cause service to be effected upon defendant John Rufkahr Concrete Co. not later than October 9, 2009, and promptly thereafter file proof of service with the Court.

In the absence of good cause shown, failure to timely serve said defendants shall result in dismissal of this action without prejudice.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 15th day of September, 2009.